

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

In Re:

RAMIN ZAMANI-ZADEH,

Bankruptcy Case No. 20-11939-t7

Debtor.

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TAEKI MARTIN, deceased, and JULIANNE  
POTTS-SCHLIMME, Personal Representative  
of the Estate of Taeki Martin,

Plaintiffs/Appellees,

v.

U.S. District Court No. 23cv592 DHU/SCY

RAMIN ZAMANI-ZADEH,

Defendant/Appellant.

**ORDER ADOPTING PROPOSED FINDINGS AND RECOMMENDATION**

This matter is before the Court on Magistrate Judge Steven C. Yarbrough’s December 5, 2024 Proposed Findings And Recommended Disposition (“PFRD”). Doc. 20. In that PFRD, Judge Yarbrough recommends that the Court reverse and remand the matter to bankruptcy court. *Id.* at 36. Judge Yarbrough notified the parties that they had 14 days from service of the PFRD to file any objections to the PFRD. *Id.* The parties have not filed any objections to the PFRD, thereby waiving their right to review of the proposed disposition. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). Furthermore, upon review of the PFRD, the Court concurs with Judge Yarbrough’s findings and recommendation.


**IT IS THEREFORE ORDERED THAT:**

1. The Court ADOPTS Judge Yarbrough’s Proposed Findings and Recommended Disposition (Doc. 20), and FINDS THAT:

- a. The bankruptcy court erred to the extent it relied on its own findings of non-fraudulent conduct to find that the entire amount of the debt was nondischargeable, because those findings were insufficient to establish the entire amount of the judgment debt arose from Defendant's fraud;
- b. The bankruptcy court erred to the extent it relied on the statement in the Oregon judgment to find causation between fraudulent conduct and the judgment debt;
- c. The Oregon complaint, standing alone, is inadmissible for the truth of the matters asserted therein;
- d. Plaintiff's Oregon state court trial testimony is admissible under Federal Rule of Evidence 804(b)(1); and
- e. Unadopted statements Plaintiff's counsel made during the state trial are inadmissible.

2. The matter is REVERSED and REMANDED to the bankruptcy court for further proceedings consistent with the Report and Recommendations and the Court's judgment.

**IT IS SO ORDERED.**



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HONORABLE DAVID H. URIAS  
UNITED STATES DISTRICT JUDGE